

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl.No. 6429 of 2007()

CRIME NO.419/06 OF PANANGAD POLICE STATION
CC.68/1999 of ADDL.C.J.M., ERNAKULAM
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PETITIONER/ACCUSED NO.1

SURESH KUMAR, S/O PONNU,
"SREEVIHAR", UDAYA ROAD,
THYKODAM, POONITHURA,
ERNAKULAM DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE PANANGAD, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 6429 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Section 419 r/w. 34 I.P.C. The gist of the allegations against the petitioner is that he, who was a former employee of Indus Motors, even after he left the services of the Indus Motors, contacted the customers to make it appear that he was contacting them on behalf of the Indus Motors. He later went to such customers, took the vehicles from them and thereafter took it away and disposed it of. In the instant case, the allegation is raised now only under Section 419 I.P.C. The vehicle involved in the case has been recovered also. The petitioner was arrested on 28.9.2007 and he continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. At any rate, his continued detention is not necessary. The vehicle has already been recovered and the learned Magistrate had proceeded on the erroneous assumption that the

vehicle has not been recovered when the application for bail was dismissed on 9.10.2007.

3. The learned Prosecutor opposes the application. Investigation in this crime is not completed. Though the vehicle has already been recovered, the co-accused has not been arrested so far. The petitioner is involved in two other similar crimes. In these circumstances the petitioner may not be granted regular bail, prays the learned Prosecutor.

4. I have considered all the relevant inputs. The investigation has made substantial progress. Though the co-accused has not been arrested, I am satisfied that the petitioner can be released on bail, subject to the request of the learned Prosecutor for some further time to complete the investigation.

5. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 1.11.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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